

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 20 2008

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

HERMINIO FLORES SANCHEZ;
MARIA DE LAS NIEVES MENDOZA
FLORES; EMMA FLORES MENDOZA;
DIANA FLORES MENDOZA,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-70758

Agency Nos. A79-523-742
A79-523-743
A79-523-744
A79-523-745

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 26, 2008**

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges

Herminio Flores Sanchez, Maria Mendoza Flores, Emma Flores Mendoza,
and Diana Flores Mendoza, natives and citizens of Mexico, petition pro se for

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review of the Board of Immigration Appeals' denial as untimely of their motion to reopen. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny the petition for review.

The petitioners contend that their motion to reopen, seeking to apply for withholding of removal under the Convention Against Torture, was timely because no statute sets forth a time limit for such motions, and they only recently became aware of alleged government-sponsored torture in Mexico.

The motion to reopen, filed more than 90 days after the Board issued its decision affirming the immigration judge's denial of the petitioners' application for cancellation of removal, was untimely under 8 C.F.R. § 1003.2(c)(2). *Cf. Khourassany v. INS*, 208 F.3d 1096, 1099 & n.2 (9th Cir. 2000) (discussing exception to time limit for CAT applicants ordered removed before March 22, 1999). In addition, the petitioners did not establish an exception to the time limit by presenting evidence that was material and was unavailable and could not have been considered or presented at the previous hearing. *See* 8 C.F.R. § 1003.2(c)(3)(ii).

PETITION FOR REVIEW DENIED.